

BEFORE THE ALASKA STATE COMMISSION OF HUMAN RIGHTS

MYRNA I. JOHNSON,

Plaintiff

vs.

FRED MEYER STORES, INC.

Defendants

ASCHR No. C-02-132

AFFIDAVIT OF MATHEW LANEY

I, Mathew Laney, being first duly sworn upon oath, depose and state as follows:

1. I am more than 19 years of age, and competent to testify regarding these matters, based on personal knowledge and belief.
2. My mailing address is 821 9<sup>th</sup> Ave., # 202, Seattle, WA 98104.
3. I first began working at Fred Meyers, Inc. ("Company") in Oregon on a part-time basis when I was in school.
4. I began working full-time at the Company in 1989 as a sales clerk and shortly thereafter entered the Company's management training program.
5. From 1989 until 1994, I worked in five different Company stores in Oregon and was an Assistant Manager.
6. In 1994, I was transferred to the Apparel and Leisure Department of the Company's store in Juneau, Alaska ("Juneau Store").
7. When I began managing the Apparel and Leisure Department at the Juneau Store in 1995, Ms. Johnson was working in the shoe department, which was

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Johnson v. Fred Meyer Stores, Inc.,  
Affidavit of Matthew Laney

Exhibit  
Witness

Lynda Batchelor Barker, RDR

Date

1/24/06

Jaime San Miguel

4 pages

ASCHR No. C-02-132  
Page 1 of 4

1 under my supervision, and I had contact with her on a daily basis.

2  
3 8. Ms. Johnson later took a job with the State of Alaska for a brief period of  
4 time, but she continued to work part-time at the Juneau Store until 1996, so  
5 I still saw her at work from time to time even while she worked for the  
6 State.

7 9. In 1996, I was involved in a project to strengthen the management team at  
8 the Juneau Store and I immediately recruited Ms. Johnson to be part of the  
9 management team.

10 10. When Ms. Johnson returned to the Juneau Store on a full-time basis in 1996  
11 as part of management, I saw her on a daily basis and was her supervisor.

12 11. Ms. Johnson, throughout my association with her at the Juneau Store, was  
13 very professional in appearance, was extremely hardworking, had an  
14 exemplary work ethic, was an excellent supervisor who had outstanding  
15 people skills, and was an employee who needed little supervision.

16 12. I found Ms. Johnson to be an excellent employee who was exceptional on a  
17 number of different levels: she led by example, was devoted to her job,  
18 was well-balanced, inspired employees, and was well-respected by co-  
19 workers and management.

20 13. Myrna Johnson also completed her work in a timely manner and there was  
21 no need to supervise her or follow up with her as she always outworked her  
22 project list.

23 14. I also supervised Jaime San Miguel during much of this same time period.

24 15. By contrast, I viewed San Miguel as a bit of a problem, since he caused  
25 more work than he produced, needed substantial improvement in his people  
26 skills, and was the source of a number of complaints from co-workers and  
27 subordinates who worked under him.

28 16. Among the complaints I received about him were complaints from at least  
29  
30

*MJ Exhibit 34 Page 2 of 4*

1 two older female employees who related to me that he had said to them: "if  
2 I could, I'd get rid of you and just hire cute ones."  
3

4 17. Jaine San Miguel also remarked on a number of occasions that he was  
5 interested in dating Kaylana Haase, a female co-worker of his at the Juneau  
6 Store, and I did notice that good-looking young women at the Juneau Store  
7 captured his attention.

8 18. While San Miguel worked for me, he had a number of family and personal  
9 problems and I gave him time off from work because of these problems,  
10 including a month's leave in one instance.

11 19. From time to time, San Miguel left before his shift was over because he  
12 was upset or didn't feel well and, on occasions, Ms. Johnson also left a few  
13 times before her shift was finished due to extenuating circumstances.

14 20. I resigned from the Juneau Store in 2000, and then began focusing my  
15 attention on an interior decorating business that I had started while  
16 employed at the Juneau Store.

17 21. San Miguel was promoted into my position after I resigned.

18 22. I received a phone call from Ms. Johnson shortly after her termination from  
19 the Company in March of 2002, which is how I learned that she was no  
20 longer at the Juneau Store.

21 23. During this phone call, Ms. Johnson told me that upon her return from  
22 leave, San Miguel had given her pages and pages of things that needed to  
23 get done in one night on a "Tour of Duty" list. Such lists were normally  
24 one-page in length or two pages at the most.

25 24. When I heard Ms. Johnson's account of the events, it sounded as though  
26 San Miguel was demanding that Ms. Johnson perform an unreasonable  
27 number of tasks in a totally unreasonable time frame.

28 25. Knowing San Miguel, I suspect he was very resentful that Ms. Johnson had  
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MJ Exhibit 34 Page 3 of 4

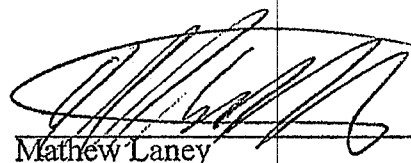
1 taken a leave of absence to deal with the health issues of her daughter.

2 26. I asked Ms. Johnson whether she had spoken to Fred Sayre about what had  
3 happened and she said that she did, but he had done nothing.

4 27. I was not surprised at Sayre's conduct since when he was faced with a  
5 problem, he tended to ignore it.

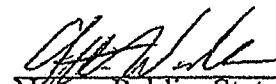
6 28. Since the Juneau Store was the only large retailer in town after K-Mart  
7 closed, I was not surprised to learn that Ms. Johnson had been forced to  
8 leave Juneau, Alaska after she was terminated by the Juneau Store.  
9

10  
11 DATED this 9th day of June, 2004.  
12

13  
14   
15 Matthew Laney

16 SUBSCRIBED and SWORN TO before me this 9th day of June, 2004.



20  
21   
22 Notary Public, State of Washington  
23 My commission expires: 9/4/07